

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY TRANSFERRING FUNDS FROM THE EMPLOYEE FAIR SHARE HOUSING FUND NO. 136 TO THE BUILDING DEPARTMENT FUND NO. 180 AND AUTHORIZING FURTHER TRANSFERS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**

**WHEREAS**, Monroe County Board of County Commissioners (Board) established an employee housing fair share impact fee on new non-residential floor area to be used as established in Monroe County Code Sec 9.5-124.9(d) to be spent according to procedures recommended by the Planning Commission and approved by the Board; and

**WHEREAS**, these funds have been deposited in the affordable and employee housing fair share impact fee trust fund (Trust Fund) established by MCC Sec. 9.5-496; and

**WHEREAS**, the Trust Fund is to be used to offset the cost of required permitting and connection fees related to the development of new employee housing, in accordance with a schedule and procedures recommended by the Planning Commission and approved by the Board of County Commissioners; and

**WHEREAS**, there is an unencumbered balance of \$116,593.00 in the Trust Fund; and

**WHEREAS**, building permit fees have not been collected and will not be collected for several affordable housing projects occupied by the County's workforce, either because of an exemption from the Board pursuant to Sec. 6-27(d)(2) for projects that are receiving financial assistance from Monroe County or because of a waiver under Sec. 6-27(e) for non-profit organizations and lessees of county owned property; and

**WHEREAS**, the policy to waive building and permit application fees was formalized in Resolution 156-2007; and

**WHEREAS**, the sum of \$302,678.66 has been waived within the last two (2) years for building and permit application fees for employee housing for Park Village, Islander Village and Flagler Village alone, which developments are new and intended for use as employee and workforce housing; and

**WHEREAS**, it was the intent of the Board in passing Ordinance 9.5-124.9, and is still the intent of the Board, to use the Trust Fund to assist in reimbursing the costs of the Building Department by offsetting the cost of required permitting which funds the processing of applications and performing inspections for affordable and employee housing; and

April 29, 2008

**WHEREAS**, transferring these impact fees from the Trust Fund into the Growth Management Fund No. 180 places the fees into the fund that receives all building permit fees as directed by Florida Statute; and

**WHEREAS**, the Planning Commission reviewed this Resolution at its meeting of May 6, 2008;

**NOW, THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

1. There shall be a transfer of funds from the Employee Fair Share Housing Trust Fund No. 136 to the Building Department Fund No. 180 in the amount of \$116,593.00.
2. As funds are received by the Trust Fund, they shall be transferred annually by Resolution of the Board of County Commissioners into the Building Department Fund 180, as long as the total amount of fees not collected for all years because of waivers or exemptions for new housing projects used for employee affordable housing by the Monroe County workforce exceeds the amount reimbursed from the Trust Fund.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Mario Di Gennaro  
Commissioner Sylvia Murphy  
Commissioner George Neugent  
Commissioner Dixie Spehar

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**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
Deputy Clerk

**RESOLUTION NO. 156-2007**

**A RESOLUTION OF THE MONROE BOARD OF  
COUNTY COMMISSIONERS AUTHORIZING THE  
WAIVER OF BUILDING PERMIT AND  
APPLICATION FEES FOR THE AFFORDABLE  
HOUSING DEVELOPMENTS, PURSUANT TO  
MONROE COUNTY CODE, SEC. 6-27(d)(2) AND  
SEC. 6-27(e).**

**WHEREAS**, the State of Florida and all local governments in the Florida Keys (each subject to Area of Critical State Concern mandates relating to housing affordability) recognize the need for affordable housing throughout the state and particularly in the Florida Keys where developable land for housing is extremely limited and expensive; and

**WHEREAS**, the Board of County Commissioners is committed to addressing critical housing affordability issues facing the Florida Keys; and

**WHEREAS**, the Board of County Commissioners makes the following findings of fact:

1. The State of Florida and all local governments in the Florida Keys recognize the need for affordable housing throughout the state and particularly in the Florida Keys where developable land for housing is extremely limited and expensive.
2. To encourage the creation of affordable housing the Board of County Commissioners must take innovative actions, such as the waiver or elimination of building, permitting and other fees.
3. Monroe County Code Sec. 6-27 (d) (2) provides for full exemption from county building and permit application fees for the construction of affordable housing projects that are "receiving financial assistance from Monroe County."
4. Monroe County Code Sec. 6-27 (e) provides that not-for-profit organizations and "... lessees of county-owned property for construction on said property ... may apply to the Board of County Commissioners for fee waivers from the permit and application fees".
5. A generic waiver for all projects for which waiver would be allowable under the County Code would provide incentives, or at least diminish the disincentives, for the creation of affordable housing, to include such measures as waiver of building, permitting and other fees, developers have been hesitant to create additional affordable housing in the Florida Keys; now therefore

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**Section 1.** It is the intention of the Board of County Commissioners to always waive the building permit and application fees charged by Monroe County for construction or redevelopment of affordable housing projects for any applicant that is a not-for-profit organization, with 501(c) (3) status, or who is the lessee of county-owned property and/or who receives financial assistance from Monroe County for the purpose of constructing or redeveloping affordable housing projects.

**Section 2.** The permit application fees for all affordable housing projects which meet the conditions in section 1, above, and which have been initiated but have not received their certificates of occupancy are hereby waived effective the date of execution of this Resolution.

**Section 3.** Growth Management Division staff is directed to prepare an amendment to Monroe County Code Sec. 6-27(d)(2) and Sec. 6-27(e) to routinely implement the above intention of the Board.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the 18th day of April, 2007.

Mayor DiGennaro  
Mayor Pro Tem Spehar  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Murphy

Yes
Yes
Yes
No
No

FILED FOR RECORD  
2007 APR 25 PM 12:56  
DANNY L. KOHLAGE  
CLK. CIR. CT.  
MONROE COUNTY, FLA.

**BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**

By: *Mayor DiGennaro*  
Mayor/Chairman



*Danny L. Kohlage*, Clerk  
*Suzanne A. Hutton*  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*Suzanne A. Hutton*  
SUZANNE A. HUTTON  
COUNTY ATTORNEY  
Date 4/18/07

**Sec. 6-27. Fees.**

(a) *Purpose:* The purpose of this section is to establish the authority, schedule, and exemptions for permitting and related fees.

(b) *Authority and Fee Schedule:* Except as specifically established by this chapter, the board of county commissioners may by resolution establish a fee schedule for, but not limited to permit applications, permits, plans examination, certificates of competency, re-inspections, permit renewals, administrative fees, variance requests, and administrative appeals.

(c) *Fees Required:* Except as authorized by this chapter, no permit shall be issued without payment of all appropriate fees. Where a nonrefundable application fee is charged, the fee may be applied to off-set the total permit fee at the time the permit is issued, except where the application fee exceeds the total permit fee. In this case, the application fee shall become the total permit fee.

(d) *Fee Exemptions:* Fees may be exempted for only those entities and activities specifically listed below:

(1) *Conditional exemptions:* The following governmental entities are exempt from county building permit and application fees, but only if the listed entity does not charge the county a fee (including an impact fee) for development, environment, or similar permits, or for right-of-way use:

- a. The State of Florida including the South Florida Water Management District;
- b. The United States;
- c. Municipalities wholly located within the county;
- d. City Electric System;
- e. Florida Keys Electric Co-op; and
- f. Florida Keys Aqueduct Authority.

(2) *Full exemptions:* The following entities or work are exempt from the county building permit and application fees:

- a. Monroe County;
- b. Volunteer fire departments;
- c. Volunteer emergency medical departments; and,
- d. Construction of affordable housing projects, as defined under the Florida Statutes or chapter 9.5, receiving financial assistance from Monroe County.

(e) *Fee Waivers:* Not-for-profit organizations with 501(c)(3) status from the Internal Revenue Service for construction of affordable or low income housing as defined by Florida Statutes and lessees of county-owned property for construction on said property may apply to the board of county commissioners for fee waivers from the permit and application fees.

(f) *Fee Refunds:* No fees paid for building permit fees shall be refunded without the approval of the board of county commissioners upon the recommendation of the county administrator. Permit application fees are not refundable.

(Ord. No. 010-2002, § 8; Ord. No. 019-2003, § 1)